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Autore	Bomhoff J (Jacco)
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Descrizione fisica	1 online resource (viii, 280 pages) : digital, PDF file(s)
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Note generali	Title from publisher's bibliographic system (viewed on 05 Oct 2015).
Nota di bibliografia	Includes bibliographical references and index.
Nota di contenuto	Questioning a global age of balancing -- Balancing's beginnings : concepts and interests -- A perfect constitutional order : balancing in German constitutional jurisprudence of the 1950s and 1960s -- A dangerous doctrine : balancing in US constitutional jurisprudence of the 1950s and 1960s -- Two paradigms of balancing.
Sommario/riassunto	The language of balancing is pervasive in constitutional rights jurisprudence around the world. In this book, Jacco Bomhoff offers a comparative and historical account of the origins and meanings of this talismanic form of language, and of the legal discourse to which it is central. Contemporary discussion has tended to see the increasing use of balancing as the manifestation of a globalization of constitutional law. This book is the first to argue that 'balancing' has always meant

radically different things in different settings. Bomhoff uses detailed case studies of early post-war US and German constitutional jurisprudence to show that the same unique language expresses both biting scepticism and profound faith in law and adjudication, and both deep pessimism and high aspirations for constitutional rights. An understanding of these radically different meanings is essential for any evaluation of the work of constitutional courts today.

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